

# EXHIBIT 6

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA**

**DIANA MEY,  
CRAIG CUNNINGHAM,  
STEWART ABRAMSON, and  
JAMES SHELTON,  
individually and on behalf of a class of all  
persons and entities similarly situated,**

**Plaintiffs,**

**vs.**

**Case No. 5:17-cv-00179-JPB**

**DIRECTV, LLC, et. al.**

**Defendants**

**DECLARATION OF ADAM COX**

I attest under the pains and penalties of perjury, that the following facts are true and based on my personal knowledge.

1. I am the owner and operator of the defendant AC1 Communications ("AC1").
2. Between June of 2017 and January of 2019, AC1 was a Preferred Dealer for DirecTV and was authorized to market and sell DirecTV's goods and services.
3. On December 3, 2019, I was deposed in regards to the above matter. I provide this declaration to supplement my testimony.
4. As I testified at deposition, AC1 engaged in telemarketing between June of 2017 and December of 2018, in order to sell DirecTV goods and services. The calls were all initiated by AC1 using the Xencall dialer platform.
5. The call records produced by my counsel, Bryan Price, to plaintiffs' counsel represent all of the calling records for AC1 made via Xencall. These call records represent only calls made for AC1 and no other entity.

6. The invoices for Xencall were paid by AC1 although they were directed to an entity called Finders Keepers. This was a business of mine that I ran prior to the creation of AC1. After AC1 was created, I used the Xencall account created for Finders Keepers for the AC1 calls. Finders Keepers used Xencall as a dialing platform but did not use it to telemarket in any way. The records produced by my counsel in response to discovery responses do not relate in any way to Finders Keepers. These records relate solely to AC1.

7. As I testified at deposition, not all of the calls identified in the call records produced by my counsel are telemarketing calls. AC1 used the Xencall platform for follow up customer service calls in addition to outbound telemarketing calls.

8. The outbound telemarketing calls made by AC1 can all be identified in the call logs because they are identified under the disposition code "Call Type" as made in "Dialer" mode. All calls with the "Dialer" disposition contained in the Xencall call records were outbound telemarketing calls made by AC1.

9. The goal of AC1 in transmitting outbound telemarketing calls was to sell DirecTV. Each outbound telemarketing call made by AC1 presented an opportunity to sell DirecTV.

10. Every outbound call designated in the Xencall records as a Dialer call type was a telemarketing call designed or intended to sell DirecTV.

11. My sales team was trained to ask every consumer who answered an outbound AC1 telemarketing call to disclose their television provider. If the consumer indicated they had a cable service, AC1 tried to sell the consumer DirecTV satellite television. If the consumer indicated they had Dish Network, AC1 tried to convert them to DirecTV. If the consumer indicated they had no television, AC1 tried to sell the consumer DirecTV.

12. If a consumer was not at all interested in DirecTV, AC1 then tried to sell the consumer a different cable television provider or an internet service. This happened very rarely.

13. At all times though, DirecTV was in first position and it was the first product we tried to sell on all calls. Other products were offered, only after the customer declined DirecTV.

14. All outbound telemarketing calls identified by the Dialer disposition were initiated by my call center manager who would begin the campaign by uploading an excel spread sheet of calling data into the Xencall dialer platform.

15. The calls would then be made automatically without human intervention. Calls with a Dialer disposition were not hand dialed.

16. The dialer would then call the numbers acting as what is known in the industry as a "predictive dialer." Only calls that were answered by a person or answering machine would be then transferred to a sales representative of AC1. The Xencall system would predict when a sales representative was available and would then transfer the call.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS 5<sup>TH</sup> DAY OF DECEMBER, 2019.

  
\_\_\_\_\_  
/s/ ADAM COX,  
OWNER AND OPERATOR OF ACI  
COMMUNICATIONS